

EDWARD L. MUNROE

MARCH 19, 1958.—Committed to the Committee of the Whole House and ordered  
to be printed

Mr. LANE, from the Committee on the Judiciary, submitted the  
following

REPORT

[To accompany H. R. 8039]

The Committee on the Judiciary, to whom was referred the bill (H. R. 8039) for the relief of Edward L. Munroe, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE

The purpose of the proposed legislation is to pay Edward L. Munroe, of Boston, Mass., the sum of \$335.60 in full settlement of his claims against the United States for base and longevity pay for the period September 1, 1943, to September 21, 1943, incident to his service as a captain in the United States Army.

STATEMENT

Mr. Munroe entered on active duty with the Army of the United States on March 17, 1942, and served until September 21, 1943, when he was relieved from active duty because of age.

On May 14, 1955, Mr. Munroe submitted a claim for \$335.60 for base and longevity pay for the period of September 1, 1943, to September 21, 1943, which is the period stated in H. R. 8039. This claim was denied by the General Accounting Office because more than 10 years had passed since the claim first accrued in 1943.

The Army in its report to this committee on the bill states that its examination of Mr. Munroe's pay records for the period in question discloses no evidence which would establish that he was paid the sum he is asking. Further, the Office of the Chief of Finance of the United States Army has stated that if the claim had been made within the 10-year period following Mr. Munroe's release to inactive duty it

would have been paid. The Army report then concluded that on these facts it is evident that the Government has suffered no substantial prejudice from the failure of Mr. Munroe to file within the limitation period fixed by the statute, and therefore states that the Department of the Army has no objection to the enactment of the bill.

In the light of these facts and the position of the Department of the Army, this committee recommends that the bill be considered favorably.

DEPARTMENT OF THE ARMY,  
*Washington, D. C., February 7, 1958.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives.*

DEAR MR. CHAIRMAN: Reference is made to your request for the views of the Department of the Army with respect to H. R. 8039, 85th Congress, a bill for the relief of Edward L. Munroe.

This bill provides as follows:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$335.60 to Edward L. Munroe, of Boston, Massachusetts, in full settlement of all claims against the United States. Such sum represents base and longevity pay for the period September 1 to 21, 1943, incident to his service as captain, O255625, United States Army."

The Department of the Army has no objection to the enactment of this bill.

Records of the Department of the Army reveal that Edward L. Munroe was born on February 15, 1882, at New Bedford, Mass. He served in a federally recognized status as an enlisted man in the National Guard of Massachusetts from July 13, 1903, to June 30, 1905, and from October 18, 1923, to October 17, 1929. He was appointed second lieutenant, Army of the United States, on August 27, 1928; promoted to first lieutenant, Army of the United States, on December 7, 1931; promoted to captain, Army of the United States, on January 18, 1936; and was reappointed in that rank on January 18, 1941. He entered on active duty in the Army of the United States on March 17, 1942, and was relieved from active duty on September 21, 1943, by reason of age. Captain Munroe's request for retention on active duty at that time was denied as being contrary to Department of the Army policy relating to officers of his age and grade. Effective November 18, 1952, Captain Munroe was tendered an indefinite appointment in the Honorary Reserve, Army of the United States.

On May 14, 1955, Captain Munroe submitted a claim in the amount of \$335.60 for base and longevity pay for the period September 1, 1943, to September 21, 1943, while serving as captain, Army of the United States. The claim was forwarded to the General Accounting Office which denied it by letter dated October 12, 1955, in accordance with the provisions of the act of October 9, 1940 (54 Stat. 1061; 31 U. S. C. 237), which bars any such claim against the Government not received in that office within 10 years after it first accrues.

It has been stated that "The purpose of the statute of limitations is to require any necessary litigation to be brought within such time

as the particular facts and circumstances may be proved with the utmost certainty and before adequate proof has become stale or entirely lost" (34 Am. Jur. sec. 9 (Cum. Supp. 1956)). Accordingly, the Department of the Army is not generally opposed to legislation designed to pay an established claim barred by the expiration of the statutory period for filing, where no prejudice to the Government has resulted from the delay.

The Office, Chief of Finance, United States Army, has examined Captain Munroe's pay records for the period in question. That office reports that these records contain no evidence establishing that Captain Munroe was actually paid the sum of \$335.60, representing base and longevity pay for the period in question. That office further stated that it appears that the claim would have been paid had it been submitted within 10 years after the date Captain Munroe was relieved from active duty. As the claim would have been paid on the evidence now available, the Government has suffered no substantial prejudice from the failure of Captain Munroe to file within the statutory period of limitations. Accordingly, the Department of the Army has no objection to the enactment of this bill.

The cost of this bill, if enacted, will be \$335.60.

The Bureau of the Budget advises that there is no objection to the submission of this report.

Sincerely yours,

WILBER M. BRUCKER,  
*Secretary of the Army.*

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